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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 558/2016

AMRENDRA ANAND Petitioner

Through: Mr. S. Alagsen, Advocate for
Mr. G. K. Pathak, Advocate

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Ripu Daman Bhardwaj,
CGSC & Mr. T.P. Singh,
Advocate for respondents No.1
to 4 with Wing Commander
Anisha Hatwar

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **29.01.2016**

C.M. 2289/2016 (for stay)

Dismissed, as not pressed.

W.P.(C) 558/2016

1. The present petition has been filed by the petitioner praying *inter alia* for issuance of a writ of mandamus to the respondents, particularly to the respondents No. 3 & 4, for setting aside his

transfer order dated 21st December, 2015, where-under he has been directed to report to his new place of posting at Gwalior with immediate effect.

2. The main grievance raised by the petitioner is that his wife has been detected with multiple stones in her gall bladder and she is undergoing treatment at the Base Hospital at Delhi and the said hospital has fixed 15th March, 2016 as the date for her to undergo a surgery for removal of the gall bladder stones. It is submitted that though petitioner had made a representation to the respondents in terms of a letter dated 9th December, 2015, pointing out the above position, the respondents have failed to consider his predicament and have summarily transferred him to Gwalior.

3. A perusal of the documents enclosed with the writ petition reveals that vide letter dated 14th January, 2016, the respondents No.3 and 4 had turned down the petitioner's request for cancelling his transfer order with an observation that medical facilities for his wife's treatment are available in the next unit at Gwalior.

4. On the last date of hearing, learned counsel for the petitioner had stated that the date for the surgery of the petitioner's wife is not in the hands of petitioner as the Hospital has fixed and conveyed the said date and it is only for this reason that the

petitioner is seeking a reasonable time to report to Gwalior. In view of the said submission, learned counsel for the respondents was requested to obtain instructions if the date of the surgery of the petitioner's wife could be rescheduled for a shorter date. Today, learned counsel for the respondents hands over a copy of the letter dated 27th January, 2016 written by the Base Hospital, Delhi Cantt. intimating that the date of the surgery of the petitioner's wife has been advanced to 15th February, 2016 and she shall be required to report to the Hospital on 10th February, 2016 and the date of her admission has been fixed as 14th February, 2016. He also hands over a copy of the wireless message dispatched from the Delhi office of the respondents stating *inter alia* that if the petitioner reports for his duty and seeks leave, he shall be granted leave to attend to his wife. Copies of both the documents have been handed over to learned counsel for the petitioner and are taken on record.

5. The court is informed that the petitioner shall be departing from Delhi to his place of posting at Gwalior today itself. Accordingly, the petition is disposed of with liberty granted to the petitioner to apply for leave to enable him to attend to his wife. If a leave application is submitted by the petitioner for the aforesaid reason, the respondents shall consider the same favourably.

6. This petition is disposed of.

HIMA KOHLI, J

SUNIL GAUR, J

JANUARY 29, 2016

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